UNITED STATES PATENT AND TRADEMARK OFFICE

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10/042,047	01/08/2002	James C. Colson	AUS920010709US1	4470

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 February 2009</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4,7,8.1,19-23,25-31,33,34 and 43-46</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1,2,4,7,8.1,19-23,25-31,33,34 and 43-46</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 2, 4, 7-8, 10, 19-23, 25-31, 33, 34, 43-46 are pending in the

application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   As in Claims 1, 2, 4, 7-8, 10, 19-21, 22, 25-30 and 33-34 are rejected under 35

U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Publication

2004/0107356, Nicolas et al., US Patent 6593944, hereinafter Nicolas and further in

view of Crosskey et al., US Patent Application Publication 6035281, hereinafter

Crosskey.

As in Independent Claims 1, 19, and 27, Shamoon teaches a method, system and computer program product for requesting a single web page's content from a network content server (Par. 311, 386), displaying on the user device multiple options from a billing server (Par. 320, 329, 443) to a single user of the user device to view the single web page's content for a price (Par. 475), wherein each option has a different price, selecting, by the single user at the user device, an option (Par. 476), receiving, at the user device, a requested content from the single web page according to the selected option wherein the requested content excludes advertising banners (Par. 358 and 468) and displaying on the user device the requested content from the single web page (Par. 475, 476, and example in Par. 522). While Shamoon discloses requesting a single web page, different price based on time sensitivity of data in at least a portion of the single web page's content, they fail to clearly teach the web page content displayed on a PDA having a limited sized display as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamoon. Nicolas further teaches the web page content displayed on a PDA having a limited sized display (Col. 2, lines 46-47). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options based on the time sensitivity of a

portion of the page's content. One would have been motivated to make such a

combination because a billable Internet interface to optionally charge for web page

access for minimizing the amount of data presented due to limited space would have

been obtained, as taught by Nicolas (Col. 1, line 53 et seq.). While Shamoon and

Nicolas teach the PDA implementation of requesting web page content, displaying

multiple priced options and the user selecting and receiving one of the options, they fail

to show the options are further based on the age of the content as recited in the claims.

In the same field of the invention, Crosskey teaches a option based selection system

similar to that of Shamoon and Nicolas. In addition, Crosskey further teaches the

options are further based on the age of the content that will be displayed after an option

is selected (Col. 11, lines 25-30). It would have been obvious to one of ordinary skill in

the art, having the teachings of Shamoon and Nicolas and Crosskey before him at the

time the invention was made, to modify the PDA implementation of requesting web

page content, displaying multiple priced options and the user selecting and receiving

one of the options taught by Shamoon and Nicolas to include the options are further

based on the age of the content of Crosskey, in order to obtain teach the PDA

implementation of requesting web page content, displaying multiple priced options

based on the age of the content and the user selecting and receiving one of the options.

One would have been motivated to make such a combination because it would provide

enhanced capability of assisting potential buyers in efficiently locating marketplace

listings for a particular product would have been obtained, as taught by Crosskey.

As in Independent Claim 7, Shamoon teaches a system comprising a limited sized display disposed on the user device to display multiple options from a billing server (Par. 320, 329, 443) to a single user of the user device to view the single web page's content for a price (Par. 475), such that each option has a different price based on a time sensitivity of data in the single web page's content (Par. 287) means for selecting, by the single user at the user device, an option (Par. 476), means for receiving, at the user device, a requested content from the single web page and according to the selected option wherein the requested content is less than all of the web page's content (Par. 358 and 468) and means for displaying on the user device the requested content from the single web page (Par. 475, 476, and example in Par. 522). While Shamoon discloses requesting a single web page, different price based on time sensitivity of data in at least a portion of the single web page's content, they fail to clearly teach the web page content displayed on a PDA having a limited sized display as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamoon. Nicolas further teaches the web page content displayed on a PDA having a limited sized display (Col. 2, lines 46-47). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according

to pricing options based on the time sensitivity of a portion of the page's content. One

would have been motivated to make such a combination because a billable Internet

interface to optionally charge for web page access for minimizing the amount of data

presented due to limited space would have been obtained, as taught by Nicolas (Col. 1,

line 53 et seq.). While Shamoon and Nicolas teach the PDA implementation of

requesting web page content, displaying multiple priced options and the user selecting

and receiving one of the options, they fail to show the options are further based on the

age of the content as recited in the claims. In the same field of the invention, Crosskey

teaches a option based selection system similar to that of Shamoon and Nicolas. In

addition, Crosskey further teaches the options are further based on the age of the

content that will be displayed after an option is selected (Col. 11, lines 25-30). It would

have been obvious to one of ordinary skill in the art, having the teachings of Shamoon

and Nicolas and Crosskey before him at the time the invention was made, to modify the

PDA implementation of requesting web page content, displaying multiple priced options

and the user selecting and receiving one of the options taught by Shamoon and Nicolas

to include the options are further based on the age of the content of Crosskey, in order

to obtain teach the PDA implementation of requesting web page content, displaying

multiple priced options based on the age of the content and the user selecting and

receiving one of the options. One would have been motivated to make such a

combination because it would provide enhanced capability of assisting potential buyers

in efficiently locating marketplace listings for a particular product would have been

obtained, as taught by Crosskey.

As for Claims 2, 8, 20, and 28, While Shamoon and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicity teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

As in Claims 4 and 10, While Shamoon, Crosskey and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options based on age and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicitly teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

As in Claims 21, and 29, Shamoon teaches displaying multiple priced options where the options are further based on the amount of requested content (number of advertisements).

As in Claims 22 and 30, Shamoon teaches multiple options are defined by a non-URL descriptive portion of a script header to the web page content (Par. 454 et seq. and Figures 2, 7 with corresponding text).

As in Claims 25 and 33, Shamoon teaches the network content server is on the Internet (Par. 311).

As in Claims 26 and 34, Shamoon teaches the billing server and the network content server are a same device (Par. 352 and 443).

4.   Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon, Nicolas, Crosskey and further in view of Mitchell, US Patent 6701350.

Shamoon, Nicolas and Crosskey teach a script in the header and parsing the script from the script header to generate at the PDA a display of the multiple options (Par. 76 et seq.). Shamoon, Nicolas and Crosskey fail to teach XML as recited in the claims. In the same field of the invention, Mitchell teaches a web page display mechanism similar to that of Shamoon, Nicolas and Crosskey. In addition, Mitchell further teaches an XML script in the header and parsing the script from the script header to generate at the user device a display of the multiple options (Col. 2, line 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon, Nicolas, Crosskey and Mitchell before him at the time the invention was made, to modify the requesting of a single web page at a PDA, and according to a parsed header script, generate a display of differently priced options

based on excluded ads pertaining to a portion of the single web page, selecting an

option, retrieving and displaying the corresponding portion of the single web page

taught by Shamoon, Nicolas and Crosskey to include the XML header of Mitchell, in

order to obtain implementation of the header execution in order to display different

priced options to the user for viewing a portion of web page content. One would have

been motivated to make such a combination because a universally accepted, web

browser compatible header for the invention would have been obtained, as taught by

Mitchell (Col. 2, lines 60 et seq.).

5.   Claims 43 and 44, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shamoon, Nicolas, Crosskey and further in view of Ogilvie, US Patent 6343.

       Shamoon, Nicolas and Crosskey teach a PDA displaying multiple options, one

for displaying the content with advertising, and one for displaying the page without the

advertisements (See Claim 1 rejection *supra*). Shamoon, Nicolas and Crosskey fail to

teach bartering prices for the web content as recited in the claims. In the same field of

the invention, Ogilvie teaches a web page display mechanism similar to that of

Shamoon, Nicolas and Crosskey. In addition, Ogilvie further teaches bartering prices

for the web content (Col. 25, lines 12-20). It would have been obvious to one of

ordinary skill in the art, having the teachings of Shamoon, Nicolas and Crosskey and

Ogilvie before him at the time the invention was made, to modify the requesting of a

single web page at a PDA, and according to a parsed header script, generate a display

of differently priced options based on excluded ads pertaining to a portion of the single

web page, selecting an option, retrieving and displaying the corresponding portion of the

single web page taught by Shamoon, Nicolas and Crosskey to include bartering prices

for the web content of Ogilvie, in order to obtain the user transmitting bartering prices for

the different priced options for viewing a portion of web page content with or without

advertisements. One would have been motivated to make such a combination because

a way to provide the user with leeway pricing would have been obtained, as taught by

Ogilvie.

6.   Claims 45 and 46, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shamoon, Nicolas and Crosskey and further in view of Zondervan et al., US Patent

7334050, hereinafter Zondervan.

        Shamoon, Nicolas and Crosskey teach a script in the header and parsing the

script from the script header to generate at the PDA a display of the multiple options

(Par. 76 et seq.). Shamoon, Nicolas and Crosskey fail to teach transcoding the web

content from HTML to VoiceXML dependent upon the option selected by the user as

recited in the claims. In the same field of the invention, Zondervan teaches a web page

display mechanism similar to that of Shamoon, Nicolas and Crosskey. In addition,

Zondervan further teaches transcoding the web content from HTML to VoiceXML

dependent upon the option selected by the user (Fig. 10 and corresponding text). It

would have been obvious to one of ordinary skill in the art, having the teachings of

Shamoon, Nicolas, Crosskey and Zondervan before him at the time the invention was

made, to modify the requesting of a single web page at a PDA, and according to a

parsed header script, generate a display of differently priced options based on excluded

ads pertaining to a portion of the single web page, selecting an option, retrieving and

displaying the corresponding portion of the single web page taught by Shamoon,

Nicolas and Crosskey to include the transcoding the web content from HTML to

VoiceXML dependent upon the option selected by the user of Zondervan, in order to

obtain implementation of displaying different priced options to the user for viewing a

portion of web page content, one option transcoding the web content from HTML to

VoiceXML. One would have been motivated to make such a combination because a

handicapped accessible, for-profit web viewing would have been obtained, as taught by

Zondervan.

Response to Arguments

Applicant's arguments with respect to the Claims have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar fee-based web retrieval systems.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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/Sara M Hanne/
Examiner, Art Unit 2179